



Entered on Docket  
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fourth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Whole or In Part Upon  
Investment In The Margarita Annex Loan**

Hearing Date: July 26, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Margarita Annex Loan." ("Margarita Annex Loan") [DE 8465] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed, the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Margarita Annex Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8465] is sustained; and  
5 2. The claims listed on **Exhibit** A attached, are disallowed to the extent those  
6 claims are based upon an investment in the Margarita Annex Loan.

7 .PREPARED AND RESPECTFULLY SUBMITTED BY:

8 **LEWIS AND ROCA LLP**  
9

10 By /s/ John Hinderaker (AZ #018024)

11 Robert M. Charles, Jr.

12 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Margarita Annex  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Margarita Annex Loan</b>
10725-00138	8/15/2006	Raichbart, Michael	Joshua D Brysk Law Offices Of James G Schwartz 7901 Stoneridge Dr Suite 401 Pleasanton, CA 94583	150,000.00	50,000.00
10725-02294	1/12/2007	Roach, Blair E & Barbara K	4113 Knights Bridge St Norman, OK 73072	200,000.00	100,000.00
10725-02000	1/10/2007	Robert L Ogren Trust Dtd 6/30/92	Robert L Orgren Tee 3768 Rick Stratton Dr Las Vegas, NV 89120	1,827,483.14	100,000.00
10725-01931	1/11/2007	Ronning, Crosbie B	Po Box 4991 Incline Village, NV 89450	37,500.00	12,500.00
10725-01419	12/4/2006	S&P Davis Limited Partnership	737 Bannerman Lane Fort Mill, SC 29715	419,981.00	12,500.00
10725-02015	1/12/2007	Wagnon, Mike	C/O Laurel E Davis Lionel Sawyer & Collins 300 South Fourth Street, Suite 1 Las Vegas, NV 89101	Unknown	Unknown

**EXHIBIT A**

2398262.1